

**UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION**

**IN RE: ONE APUS CONTAINER SHIP
INCIDENT ON NOVEMBER 30, 2020**

MDL No. 3028

TRANSFER ORDER

Before the Panel: Eleven Non-Vessel Owning Common Carrier (NVOCC) defendants¹ move under 28 U.S.C. § 1407 to centralize this litigation in the Southern District of New York. This litigation consists of forty-nine actions pending in ten districts, as listed on Schedule A.² The parties have informed the Panel of nine related actions pending in two districts.³ All responding parties support centralization in the Southern District of New York.

On the basis of the papers filed and the hearing session held, we find that the actions listed on Schedule A involve common questions of fact, and that centralization in the Southern District of New York will serve the convenience of the parties and witnesses and promote the just and efficient conduct of this litigation. These actions arise from an incident involving the ultra large container vessel *ONE Apus*. This vessel allegedly encountered severe weather on November 30, 2020, resulting in a substantial roll during which approximately 1,800 containers were lost overboard. Approximately 1,000 additional containers were damaged by the collapse of the container stacks. The actions on the motion fall into two categories: (a) actions brought by either subrogated underwriters or the cargo shippers or consignees of the allegedly lost or damaged cargoes, who seek to recoup their losses; and (b) actions for indemnification by NVOCCs against the vessel interests. All the actions will involve common questions of fact as to the events of November 30, 2020, and the cause or causes of the cargo loss. Centralization will eliminate duplicative discovery; prevent inconsistent pretrial rulings; and conserve the resources of the parties, their counsel, and the judiciary.

¹ Moving defendants are Apex Logistics International Inc.; Orient Express Container Co., Ltd.; Flexport International LLC; Dimerco Express (USA) Corp.; RS Logistics Limited; Oregon International Air Freight Co.; Air Tiger Express (ASIA) Inc.; Apex Maritime Co. (LAX), Inc.; Apex Maritime Co. (ORD), Inc.; Apex Maritime Co., Inc.; and Rohlig USA, LLC.

² Two additional actions on the motion were subsequently dismissed.

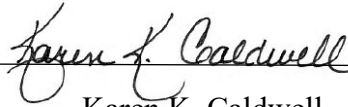
³ These and any other related actions are potential tag-along actions. *See* Panel Rules 1.1(h), 7.1, and 7.2.

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The Southern District of New York is an appropriate transferee district for this litigation. The district is requested by movants and supported by all responding parties. Nearly half of the related actions (27 of 58) are pending in this district. The parties assert that the *ONE Apus* calls at ports located in or near the Southern District of New York, which will facilitate discovery. We assign this litigation to the Honorable Paul A. Engelmayer, an experienced transferee judge with the capacity to take on this litigation. We are confident that Judge Engelmayer will steer this litigation on a prudent and expeditious course.

IT IS THEREFORE ORDERED that the actions listed on Schedule A and pending outside the Southern District of New York are transferred to the Southern District of New York and, with the consent of that court, assigned to the Honorable Paul A. Engelmayer for coordinated or consolidated pretrial proceedings.

PANEL ON MULTIDISTRICT LITIGATION



Karen K. Caldwell
Chair

Nathaniel M. Gorton
David C. Norton
Dale A. Kimball

Matthew F. Kennelly
Roger T. Benitez
Madeline Cox Arleo

**IN RE: ONE APUS CONTAINER SHIP
INCIDENT ON NOVEMBER 30, 2020**

MDL No. 3028

SCHEDULE A

Central District of California

TRAVELERS PROPERTY CASUALTY COMPANY OF AMERICA v. AMERICAN
COMMERCIAL TRANSPORT, INC., ET AL., C.A. No. 2:21-08784
CERTAIN UNDERWRITERS AT LLOYDS OF LONDON SUBSCRIBING TO
POLICY NO. 600230 v. EXPEDITORS INTERNATIONAL OF
WASHINGTON, INC., ET AL., C.A. No. 2:21-08951
ATLANTIC SPECIALTY INSURANCE COMPANY, ET AL. v. APEX LOGISTICS
INTERNATIONAL, INC., ET AL., C.A. No. 2:21-08974
ASHTED HOLDINGS, INC. v. DE WELL CONTAINER SHIPPING, INC., ET AL.,
C.A. No. 2:21-08985
LIBERTY MUTUAL INSURANCE COMPANY, ET AL. v. CNK LINE AND
LOGISTICS CO., LTD, ET AL., C.A. No. 2:21-09007
ACE AMERICAN INSURANCE COMPANY, ET AL. v. AMERICA PACIFIC
CONTAINER LINE, INC., ET AL., C.A. No. 2:21-09083
NAVIGATORS MANAGEMENT COMPANY, INC. v. APEX LOGISTICS
INTERNATIONAL, INC., ET AL., C.A. No. 2:21-09159
STATE NATIONAL INSURANCE COMPANY, INC. v. DE WELL CONTAINER
SHIPPING, INC., ET AL., C.A. No. 2:21-09290
BACKER EHP, INC., ET AL. v. M/V ONE APUS, ET AL., C.A. No. 2:21-09605
FEDERAL INSURANCE COMPANY v. TOPOCEAN CONSOLIDATION SERVICE
LOS ANGELES INC., C.A. No. 2:21-10016

Northern District of California

TRAVELERS PROPERTY CASUALTY COMPANY OF AMERICA v. FLEXPORT
INTERNATIONAL LLC, ET AL., C.A. No. 3:21-08642
STARR INDEMNITY & LIABILITY INSURANCE COMPANY, ET AL. v. APEX
MARITIME CO. (LAX), INC., ET AL., C.A. No. 3:21-08879
INDEMNITY INSURANCE COMPANY OF NORTH AMERICA v. FLEXPORT
INTERNATIONAL LLC, C.A. No. 3:21-08957
PEAG LLC, ET AL. v. FLEXPORT INTERNATIONAL LLC, C.A. No. 3:21-09376
MEYER CORPORATION, ET AL. v. APEX MARITIME CO., INC.,
C.A. No. 4:21-08947
SME CONSOLIDATED LTD., ET AL. v. APEX MARTIME CO., INC., ET AL.,
C.A. No. 4:21-09283

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Northern District of Illinois

FEDERAL INSURANCE COMPANY v. AIT WORLDWIDE LOGISTICS, INC.,
C.A. No. 1:21-06383
NAVIGATORS MANAGEMENT COMPANY, INC. v. R.I.M. LOGISTICS, LTD.,
C.A. No. 1:21-06406
INDEMNITY INSURANCE COMPANY OF NORTH AMERICA, ET AL. v.
DIMERCO EXPRESS (U.S.A.) CORP., C.A. No. 1:21-06498

District of New Jersey

TRAVELERS PROPERTY CASUALTY COMPANY OF AMERICA v. DYNAMIC
WORLDWIDE LOGISTICS, INC., C.A. No. 2:21-19924
LIBERTY MUTUAL INSURANCE COMPANY v. AMERICAN INTERNATIONAL
CARGO SERVICE, INC., C.A. No. 2:21-20152

Eastern District of New York

NAVIGATORS MANAGEMENT COMPANY, INC. v. AIRPORT CLEARANCE
SERVICE, INC., C.A. No. 2:21-06856

Southern District of New York

MSIG MINGTAI INSURANCE CO., LTD., ET AL. v. DANMAR LINES LTD.,
C.A. No. 1:21-07994
TOKIO MARINE NEWA INSURANCE CO., LTD. v. ORIENT EXPRESS
CONTAINER CO., LTD., C.A. No. 1:21-09194
ATLANTIC SPECIALTY INSURANCE COMPANY, ET AL. v. CHINA INT'L
FREIGHT CO., LTD., C.A. No. 1:21-09195
STARR INDEMNITY & LIABILITY COMPANY, ET AL. v. TRUST FREIGHT
SERVICES, INC., ET AL., C.A. No. 1:21-09370
TRAVELERS PROPERTY CASUALTY COMPANY OF AMERICA v. ALL-WAYS
FORWARDING INT'L, INC., ET AL., C.A. No. 1:21-09388
NAVIGATORS MANAGEMENT COMPANY, INC., ET AL. v. KINTETSU WORLD
EXPRESS, INC., ET AL., C.A. No. 1:21-09546
M+R FORWARDING PTE. LTD. v. BENKEL INTERNATIONAL PTE LTD.,
C.A. No. 1:21-09752
HANESBRANDS, INC., ET AL. v. EFL CONTAINER LINES, LLC, ET AL.,
C.A. No. 1:21-09858
FEDERAL INSURANCE COMPANY v. US PACIFIC TRANSPORT, INC.,
C.A. No. 1:21-09935
FEDERAL INSURANCE COMPANY v. ORIENT EXPRESS CONTAINER CO.,
LTD., C.A. No. 1:21-09975
DE WELL CONTAINER SHIPPING, INC. v. CHIDORI SHIP HOLDING LLC,
ET AL., C.A. No. 1:21-09980

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FEDERAL INSURANCE COMPANY v. LAUFER GROUP INTERNATIONAL, LTD.,
ET AL., C.A. No. 1:21-09992
THE PEOPLE'S INSURANCE COMPANY OF CHINA (HONG KONG), LTD. v.
DAMCO INTERNATIONAL B.V., ET AL., C.A. No. 1:21-10113
ALL-WAYS FORWARDING INT'L, INC. v. M/V ONE APUS, ET AL.,
C.A. No. 1:21-10154
ROANOKE INSURANCE GROUP, INC. v. KUEHNE NAGEL INC., ET AL.,
C.A. No. 1:21-10172
HUATAI PROPERTY & CASUALTY INSURANCE CO., LTD. QINGDAO BRANCH
v. YANG MING MARINE TRANSPORT CORP., C.A. No. 1:21-10173
XL INSURANCE COMPANY, (AXA), ET AL. v. ALL-WAYS FORWARDING
INT'L, INC., ET AL., C.A. No. 1:21-10177
NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA v.
KUEHNE + NAGEL, INC., ET AL., C.A. No. 1:21-10183
ATLANTIC SPECIALTY INSURANCE COMPANY v. ALL-WAYS FORWARDING
INT'L, INC., ET AL., C.A. No. 1:21-10344
STARR INDEMNITY & LIABILITY COMPANY, INC. v. AIRPORT CLEARANCE
SERVICE, INC., C.A. No. 1:21-10554
DHL GLOBAL FORWARDING (THAILAND) LIMITED, ET AL. v. VANGUARD
LOGISTICS SERVICES (HONG KONG) LTD., ET AL., C.A. No. 1:21-10598

District of Oregon

NAVIGATORS MANAGEMENT COMPANY, INC., ET AL. v. OREGON
INTERNATIONAL AIR FREIGHT CO., C.A. No. 3:21-01703

Middle District of Tennessee

NAVIGATORS MANAGEMENT COMPANY, INC. v. WORLDBRIDGE LOGISTICS,
INC., C.A. No. 3:21-00883

Southern District of Texas

STARR INDEMNITY & LIABILITY COMPANY v. CRANE WORLDWIDE
LOGISTICS LLC, C.A. No. 4:21-03809

Western District of Washington

LIBERTY MUTUAL INSURANCE COMPANY v. EXPEDITORS INTERNATIONAL
OCEAN, INC., ET AL., C.A. No. 2:21-01593
NAVIGATORS MANAGEMENT COMPANY, INC. v. EXPEDITORS
INTERNATIONAL OF WASHINGTON INC., C.A. No. 2:21-01598
STARR INDEMNITY & LIABILITY COMPANY v. EXPEDITORS
INTERNATIONAL OCEAN, INC., ET AL., C.A. No. 2:21-01606